



Written by [Michael Tennant](#) on December 21, 2018

## Judge: School Officials and Cops Have No Duty to Protect Students From Shootings

A federal judge has ruled that school officials and police officers — even officers specifically assigned to schools — have no duty to protect students from violence.

On December 12, U.S. District Judge Beth Bloom dismissed a [lawsuit](#) filed by 15 students who were present at Marjory Stoneman Douglas High School in Parkland, Florida, on February 14, when someone — allegedly former student Nikolas Cruz — opened fire in the school, killing 17 students and staff members and injuring as many others. The Broward school district, the Broward Sheriff's Office, school resource officer Scot Peterson, and campus monitor Andrew Medina were among the defendants named in the suit, which sought unspecified damages for the trauma the students experienced as a result of the unchecked attack.



Peterson and Medina acted with “extreme deliberate indifference” by failing to stop the shooting, the lawsuit alleged.

Peterson, the only armed person on campus, remained outside the school during the shooting. “His arbitrary and conscience-shocking actions and inactions directly and predictably caused children to die, get injured, and get traumatized,” the plaintiffs claimed.

“Medina knew Cruz and saw him arrive on campus, but did not confront him,” reported the [South Florida Sun Sentinel](#).

The paper continued:

The lawsuit argued that the Sheriff's Office and School Board “either have a policy that allows killers to walk through a school killing people without being stopped. Alternatively, they have such inadequate training that the individuals tasked with carrying out the policies ... lack the basic fundamental understandings of what those policies are such that they are incapable of carrying them out.”

Indeed, a state commission last week detailed “a range of ... failures on the part of school and law enforcement officials that likely contributed to” the duration and severity of the shooting, including the failure of at least eight sheriff's deputies who arrived on the scene to enter the school building, according to the [New York Times](#).

Despite this incompetence (or worse) on the part of school officials and cops, Judge Bloom contended



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that they could not be held liable for the harm caused by the shooter because they had no constitutional duty to protect the students — a decision that is, unfortunately, well within the realm of precedent.

“Neither the Constitution, nor state law, impose a general duty upon police officers or other governmental officials to protect individual persons from harm — even when they know the harm will occur,” Darren L. Hutchinson, a professor and associate dean at the University of Florida School of Law, told the [Times](#). “Police can watch someone attack you, refuse to intervene and not violate the Constitution.”

In fact, “for such a duty to exist on the part of defendants, plaintiffs would have to be considered to be in custody,” argued Bloom.

“Courts have rejected the argument that students are in custody of school officials while they are on campus,” Hutchinson said. “Custody is narrowly confined to situations where a person loses his or her freedom to move freely and seek assistance on their own — such as prisons, jails, or mental institutions.”

However, as the *Daily Wire*’s [Matt Walsh](#) pointed out, “Duty should not be a one way street. It should not be, in a free country, that parents have a duty to send their children to school but schools have no duty to see to the well-being of those children, and citizens have a duty to obey the police but police have no duty to protect and serve those citizens.”

The plaintiffs have vowed to appeal the decision, saying they “respectfully disagree with” it.

Bloom’s ruling, and others like it, highlight the need for the Second Amendment. “The state may decide to help us out if we’re in trouble, but it may not,” noted Walsh. “It evidently recognizes no obligations either way.” Therefore, Americans must be prepared to defend themselves if necessary.

At the same time, he observed, “The Second Amendment can do little for our children in the public school system. They will still be exposed and vulnerable, and the authority that has taken them into its custody will not necessarily promise to shield them when the bullets start flying. Perhaps that’s another good reason to keep your kids out of the system entirely.”

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